

EXHIBIT C

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Attorneys for Interested Party
CN UTILITY CONSULTING, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC
COMPANY,

Defendant.

No. CR 14-00175-WHA

**DECLARATION OF [REDACTED]
[REDACTED] IN RESPONSE TO THE
COURT'S FEBRUARY 5, 2021 ORDER**

I, [REDACTED], declare as follows:

1. I am currently employed by the California Conservation Corps. My current duties include building, managing, and maintaining backcountry trails.

2. Between approximately December 2017 and October 2020, I worked for CN Utility Consulting, Inc. ("CNUC") as a Consulting Utility Forester ("CUF").

3. I have reviewed the Court's order in this matter, dated February 5, 2021, Docket No. 1297.

1 4. I have reviewed the photograph at Docket No. 1250-4 and page 11 of the Court's
2 order dated December 29, 2020, in which the Court specifically identifies a gray pine (the "Gray
3 Pine") shown at Docket No. 1250-4.

4 5. Based on having reviewed the photograph and description described in paragraph
5 3, I believe I understand which tree the Court is referring to when it discusses the "Gray Pine" in
6 the February 5, 2021 Order.

7 6. I submit this declaration in response to the Court's February 5, 2021 Order.

8 **I. QUALIFICATIONS AND LICENSE**

9 7. Before working for CNUC, I worked in commercial and residential landscaping for
10 approximately four years.

11 8. When I started at CNUC, I received field training with various CUFs for
12 approximately 3–4 weeks. My training included, among other things, training on applicable
13 vegetation management standards, operation of Getac devices, and training on Pacific Gas and
14 Electric Company ("PG&E") policies and procedures. When I began working for CNUC, I was
15 given a binder containing PG&E policies and procedures that I reviewed and kept with me at all
16 times while performing preliminary inspection work. The binder was periodically updated as
17 necessary.

18 9. As a result of my training, I understand the rules regarding distance from the power
19 lines and other issues that might affect power lines. I also understand the rules for how to respond
20 to trees that are hazardous.

21 10. In particular, I am familiar with the requirements of General Order 95 and Rule 35,
22 as well as the Public Resource Code Section 4293 Power Line Fire Prevention Field Guide. I
23 received both initial and recurring training on these standards throughout my time at CNUC.

24 11. During my time at CNUC, I was also responsible for training new hires for the
25 CUF position.

26 12. I have not received my ISA certification. Although I have studied for and prepared
27 to take the ISA certification examination, I have not yet done so.

28 13. During my time at CNUC, I received positive performance reviews.

1 **II. DATE OF GRAY PINE DETERMINATION**

2 14. During 2019 and 2020, another CNUC CUF, [REDACTED], was responsible for
3 conducting routine patrols of Route 50 of the 1101 Girvan Circuit, including Zogg Mine Road.

4 15. Although I was not assigned to this routine patrol, I would, from time to time, assist
5 [REDACTED] in performing his duties. Specifically, [REDACTED] would periodically request that I assist
6 him either in conducting an initial patrol of an area where the terrain was too steep or otherwise
7 treacherous for [REDACTED] to reach or where [REDACTED] had identified a tree himself for work that was
8 in such an area within his line of sight. In the latter case, I would simply paint a tree that [REDACTED]
9 had already identified, indicating it required trimming or removal.

10 16. I do not specifically recall which portions of Route 50 I assisted [REDACTED] in
11 patrolling.

12 17. Having reviewed the photograph at Docket No. 1250-4, I do not remember the
13 Gray Pine. Based on my review of the photograph, however, the terrain in the surrounding area
14 does not appear to be excessively steep or treacherous. I therefore believe that [REDACTED]
15 would have been able to conduct a preliminary inspection of this area without assistance from me,
16 and it is likely I did not assist in the preliminary inspection of the area surrounding the Gray Pine.

17 18. Based on my review of this photograph, I believe it is unlikely I examined the Gray
18 Pine in the course of either the 2019 or 2020 routine patrols of Zogg Mine Road.

19 **III. INVESTIGATION OF GRAY PINE**

20 19. As discussed above, I do not believe it is likely I participated in the preliminary
21 inspection of the area surrounding the Gray Pine in the 2019 or 2020 routine patrols.

22 **IV. PHOTOGRAPHS, NOTES, OR VIDEOS**

23 20. As discussed above, I do not believe it is likely I participated in the preliminary
24 inspection of the area surrounding the Gray Pine in the 2019 or 2020 routine patrols. I therefore
25 believe I do not have, and did not generate, any photographs, notes, or videos pertaining to the
26 Gray Pine.
27
28

1 **V. REPORTS**

2 21. As discussed above, I do not believe it is likely I participated in the preliminary
3 inspection of the area surrounding the Gray Pine in the 2019 or 2020 routine patrols. I therefore
4 believe I do not have, and did not create, any reports pertaining to the Gray Pine.

5 **VI. REASONS RE: NOT MARKING GRAY PINE**

6 22. As discussed above, I do not believe it is likely I participated in the preliminary
7 inspection of the area surrounding the Gray Pine in the 2019 or 2020 routine patrols. I therefore do
8 not believe I participated in any decision to not mark the Gray Pine for removal.

9 **VII. KNOWLEDGE RE: GRAY PINE**

10 23. As discussed above, I do not believe it is likely I participated in the preliminary
11 inspection of the area surrounding the Gray Pine in the 2019 or 2020 routine patrols. I therefore do
12 not believe I was aware of the lean of the Gray Pine, the species of the Gray Pine, any pre-existing
13 damage to the Gray Pine, or any other condition of the Gray Pine.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16
17 DATED: 2/12/2021